

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CITY OF GRAND RAPIDS,

Plaintiff,

File No. 1:13-CV-412

v.

HON. ROBERT HOLMES BELL

ERIC DWAYNE HATCHER,

Defendant.

_____ /

and

CITY OF GRAND RAPIDS,

Plaintiff,

File No. 1:13-CV-413

v.

HON. ROBERT HOLMES BELL

ERIC DWAYNE HATCHER,

Defendant.

_____ /

**ORDER APPROVING AND ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On April 29, 2013, United States Magistrate Judge Joseph G. Scoville issued a report and recommendation ("R&R") recommending that the captioned cases be remanded to the

61st District Court for lack of subject-matter jurisdiction. (Dkt. No. 6, R&R.)¹ Defendant Eric Dwayne Hatcher filed objections to the R&R on May 15, 2013. (Dkt. No. 8, Obj.)

This Court is required to make a *de novo* determination of those portions of the R&R to which specific objection has been made, and may accept, reject, or modify any or all of the Magistrate Judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). "[A] general objection to a magistrate's report, which fails to specify the issues of contention, does not satisfy the requirement that an objection be filed. The objections must be clear enough to enable the district court to discern those issues that are dispositive and contentious." *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995).

Defendant objects to the R&R because he did not consent to the Magistrate Judge's jurisdiction to conduct hearings in this matter. Defendant's objection lacks merit. This Court referred these cases to the Magistrate Judge for all pretrial purposes. (Dkt. No. 4, Order of Reference.) That order authorized the Magistrate Judge to file an R&R on all dispositive matters. (*Id.*) The Magistrate Judge was authorized to proceed on dispositive matters by R&R without the consent of the parties. *See* 28 U.S.C. § 636(b)(1)(B).

Upon review, the Court agrees with the Magistrate Judge that this Court lacks jurisdiction over these state civil infraction proceedings and that the cases must be remanded to state court pursuant to 28 U.S.C. § 1447(c). Because this Court lacks jurisdiction, the

¹The R&R, objections, order of reference, and motion are identical in both cases and carry the same docket numbers. Accordingly, this order will refer to only one docket number for each of these pleadings.

Court cannot consider Defendant's motion for default. Accordingly,

IT IS HEREBY ORDERED that Defendant Hatcher's objections to the R&R (Dkt. No. 8) are **OVERRULED**.

IT IS FURTHER ORDERED that the April 29, 2013, R&R (Dkt. No. 6) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that the captioned cases are **REMANDED** to the 61st District Court.

IT IS FURTHER ORDERED that Plaintiff's motion for clerk's entry of default and to enforce judgment by default (Dkt. No. 7) is **DENIED AS MOOT**.

Dated: May 16, 2013

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE